

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA, ) 4:09 CR 360 CDP  
)  
Plaintiff, )  
)  
vs. ) St. Louis, Missouri  
)  
JAMES VERNON JOSEPH, Jr, ) May 29, 2009  
)  
Defendant. )

TRANSCRIPT OF ARRAIGNMENT  
BEFORE MAGISTRATE DAVID THOMAS D. NOCE

APPEARANCES:

For the Government: Mr. Howard Marcus  
Assistant US Attorney  
111 South 10th Street  
St. Louis, Missouri 63102

For the Defendant: Mr. John Bouhasin  
Attorney at Law  
5201 Hampton Avenue  
St. Louis, Missouri 63109

Transcribed by:

Lynne Shrum,  
111 South 10th Street  
Eagleton Courthouse  
St. Louis, MO 63102

1           THE COURT: This is United States against James  
2 Vernon Joseph, Junior, case number 4:09 CR 360.

3           The matter is before the Court this morning for an  
4 arraignment. Mr. Marcus is here for the United States. Mr.  
5 Bouhasin is here for Mr. Joseph, and I take it this is Mr.  
6 Joseph; is that correct?

7           MR. JOSEPH: Yes, Your Honor.

8           THE COURT: Would you all come up to the podium,  
9 please.

10          Mr. Joseph is charged in one count with fraud with  
11 identification documents.

12          Mr. Bouhasin, do you want the entire indictment read to  
13 Mr. Joseph?

14          MR. BOUHASIN: No, Your Honor. We waive formal  
15 reading.

16          THE COURT: Is he prepared to enter a plea this  
17 morning?

18          MR. BOUHASIN: Yes, Your Honor. At this time I  
19 presented a copy of the indictment to my client. He's  
20 authorized me to enter a plea of not guilty with regard to  
21 the charges pending before you.

22          THE COURT: All right. A plea of not guilty will  
23 be entered.

24          Mr. Marcus, do you know whether the government has  
25 arguably suppressible evidence against this defendant?

1 MR. MARCUS: Yes, Your Honor, the government does.

2 THE COURT: All right. Mr. Bouhasin, having heard  
3 that, I take it you would at least consider filing pretrial  
4 motions; is that correct?

5 MR. BOUHASIN: Yes, Your Honor.

6 THE COURT: If you wish, at this time I'll give you  
7 an opportunity to make an oral motion for a period of time  
8 within which to consider filing pretrial motions and an oral  
9 motion generally to suppress any arguably suppressible  
10 evidence the government might have, perhaps to be followed up  
11 with specific documentary motions.

12 MR. BOUHASIN: Yes, Your Honor.

13 At this time I've been led to believe that Mr. Joseph's  
14 family has hired Mr. Schwartz to enter as co-counsel.

15 THE COURT: All right.

16 MR. BOUHASIN: If we could have 60 days, Your  
17 Honor, I believe that would be sufficient time for me to  
18 coordinate with Mr. Schwartz's office, attack that motion,  
19 present a written motion as well as our oral motion to  
20 suppress.

21 THE COURT: How much time?

22 MR. BOUHASIN: Sixty days, Your Honor.

23 THE COURT: No. If you need more time than what I  
24 give you, then you can file a motion.

25 MR. BOUHASIN: Yes, Your Honor.

1 THE COURT: Okay.

2 And Mr. Marcus, I'll give the government at this time  
3 an opportunity to make an oral motion for a determination by  
4 the Court of the admissibility or not of any arguably  
5 suppressible evidence.

6 MR. MARCUS: Your Honor, at this time I would  
7 simply ask leave to file it for a written determination.

8 THE COURT: I'll direct the clerk to make a minute  
9 entry of the two oral motions of the defense counsel and an  
10 oral motion -- and the oral motion of the government.

11 The case is assigned to District Judge Catherine Perry.  
12 She's directed that the case not be set for trial until the  
13 conclusion of the pretrial proceedings.

14 I'll order that the government forthwith disclose its  
15 arguably suppressible evidence. The parties can have until  
16 June 9th to request further information from each other and  
17 to respond by June 12th. The parties can have until June  
18 23rd to file pretrial motions and the pretrial hearing will  
19 be set for July 9, 2009 at ten o'clock in the morning.

20 Let me give counsel a copy of the order that I'll issue  
21 in the case today and as I said, I'll be happy to take a look  
22 at any motion to continue with appropriate bases set out in  
23 the motion.

24 Mr. Marcus, did you have any other business in this  
25 case this morning?

1           MR. MARCUS: Just to advise the Court in this  
2 particular matter search warrant was issued for approximately  
3 18 or 19 pieces of digital media, camera, phones, and I would  
4 imagine --

5           THE COURT: You want to come over closer to the --

6           MR. MARCUS: I'm sorry.

7           Your Honor, a search warrant was issued in this matter  
8 for approximately 18 or 19 pieces of digital media, including  
9 numerous cell phones, cameras, computers, memory cards, and I  
10 would anticipate that the completion of the forensic  
11 examination may or may not be done in advance of the motion  
12 date.

13          Just so the Court knows the schedule we'll be heading  
14 on based on waiting for that stuff to be analyzed.

15          THE COURT: All right. That's -- an appropriate  
16 basis for -- I think for making Speedy Trial Act findings for  
17 a continuance and I'm not against doing that but I'll wait  
18 for a appropriate motion to that effect.

19          All right. Thank you all very much.

20          MR. BOUHASIN: Thank you, Your Honor.

21          THE COURT: We'll be in recess.

22                               (Recess.)

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## 1 CERTIFICATE

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3 transcribed the above proceedings which have been  
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10 any other party other than this reporter.

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12 \_\_\_\_\_  
13 DATE

/s/ Lynne Shrum

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